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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Nyce et al.

: Appl. Ref.:

EPI-0671b

Appl. No: 09/543,679

: Priority:

USSN 60/127,958

Filing Date: April 4, 2000

: Examiner

For:

**LOW ADENOSINE ANTI-SENSE OLIGONUCLEOTIDE, COMPOSITIONS,  
KIT & METHOD FOR TREATMENT OF AIRWAY DISORDERS  
ASSOCIATED WITH BRONCHOCONTRICION, LUNCH  
INFLAMMATION, ALLERGY(IES) & SURFACTANT DEPLETION**

COVER LETTER

Assistant Commissioner for Patents  
Washington, DC 20231

Sir\Madam:

Enclosed for filing are the following:

1. Declarations (2)
2. Claim for Priority (1 sheet)
3. Change of Address
4. Postcard

Respectfully submitted.  
ARTER & HADDEN

Viviana Amzel, Ph. D.  
Attorney for Applicant

8/15/00

Citicorp Building  
725 South Figueroa St. #3400  
213-430-3520 Ph.  
213-617-9255 Fax

I hereby certify that this paper or fee is being deposited with the United States Postal Service via "FIRST CLASS MAIL" under 37 CFR 1.8 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington D C 20231, on August 15, 2000, by Viviana Amzel.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12  
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 1024.00)

## Complete if Known

Application Number	herewith
Filing Date	herewith
First Named Inventor	Jonathan W. Nyce
Examiner Name	n/a
Group / Art Unit	n/a
Attorney Docket No.	EPI-067191

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 01-2520

Deposit Account Name Arter & Hadden, LLP

☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 690	201 345	Utility filing fee	\$345.00
106 310	206 155	Design filing fee	
107 480	207 240	Plant filing fee	
108 690	208 345	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ 345.00)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
91	-20** = 71	9	639
1	-3** = 0		0
Multiple Dependent			

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 78	202 39	Independent claims in excess of 3
104 260	204 130	Multiple dependent claim, if not paid
109 78	209 39	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 639.00)

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 380	216 190	Extension for reply within second month	
117 870	217 435	Extension for reply within third month	
118 1,360	218 680	Extension for reply within fourth month	
128 1,850	228 925	Extension for reply within fifth month	
119 300	219 150	Notice of Appeal	
120 300	220 150	Filing a brief in support of an appeal	
121 260	221 130	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,210	241 605	Petition to revive - unintentional	
142 1,210	242 605	Utility issue fee (or reissue)	
143 430	243 215	Design issue fee	
144 580	244 290	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	40
146 690	246 345	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 690	249 345	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

## SUBMITTED BY

Name (Print/Type)	Viviana Amzel, Ph.D.	Registration No. (Attorney/Agent)	30,930	Telephone	(213) 430-3520
Signature		Date	April 4, 2000		

## WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Docket No.: EPI-0671b  
73999/01905

**Declaration For Patent Application**  
**English Language Declaration**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

***Low Adenosine Anti-Sense Oligonucleotide, Compositions, 10 & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergylies) & Surfactant Overproduction***

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on APRIL 4, 2000 as United States Application No. or PCT International Application Number USSN 09/543,679.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number) (Country) (Day/Month/Year Filed)

☐

(Number) (Country) (Day/Month/Year Filed)

☐

(Number) (Country) (Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

<u>60/095,212</u>	<u>August 3, 1998</u>
(Application Serial No.)	(Filing Date)

<u>60/127,953</u>	<u>April 6, 1999</u>
(Application Serial No.)	(Filing Date)

<u>                    </u>	<u>                    </u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>09/093,972</u>	<u>June 9, 1998</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

<u>08/472,527</u>	<u>June 5, 1995</u>	<u>Patented</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

<u>08/474,497</u>	<u>June 7, 1995</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

<u>08/757,024</u>	<u>November 26, 1996</u>	<u>Patented (6,025,339)</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor

Jonathan W. Nyce

Sole or first inventor's signature

(signature)

Date

6/1/00

Residence

59 Sayre Drive, Princeton, New Jersey 08540

Citizenship

United States

Post Office Address

Same as above

Full name of second inventor, if any

W. James Metzger

Second inventor's signature

(signature)

Date

Residence

238 Windsor Road, Greenville, NC 27858

Citizenship

United States

Post Office Address

same as above

Full name of third inventor, if any

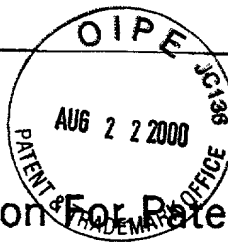
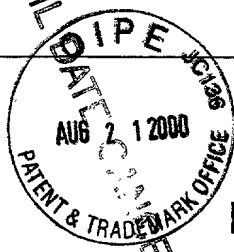
Third inventor's signature

Date

Residence

Citizenship

Post Office Address



Docket No.: EPI-0671b  
73999/01905

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the specification of which

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☐ is attached hereto.

☒ was filed on APRIL 4, 2000 as United States Application No. or PCT International Application Number USSN 09/543,679.

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Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

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<u>                    </u>	<u>                    </u>
(Application Serial No.)	(Filing Date)

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<u>08/472,527</u>	<u>June 5, 1995</u>	<u>Patented</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

<u>08/474,497</u>	<u>June 7, 1995</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
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<u>08/757,024</u>	<u>November 26, 1996</u>	<u>Patented (6,025,339)</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Jonathan W. Nyce	
Sole or first inventor's signature (signature)	Date
Residence 59 Sayre Drive, Princeton, New Jersey 08540	
Citizenship United States	
Post Office Address Same as above	

Full name of second inventor, if any W. James Metzger	
Second inventor's signature (signature)	Date 6/2/00
Residence 238 Windsor Road, Greenville, NC 27858	
Citizenship United States	
Post Office Address same as above	

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nyce J.W.

: Art Unit:

Serial No.: 09/543,679

: Examiner:

Filed: April 4, 2000

For:

LOW ADENOSINE ANTI-SENSE OLIGONUCLEOTIDE, COMPOSITIONS, KIT & METHOD  
FOR TREATMENT OF AIRWAY DISORDERS ASSOCIATED WITH BRONCHO  
CONTRICION, LUNCH INFLAMMATION, ALLERGY(IES) & SURFACTANT DEPLETION

CHANGE OF ATTORNEY'S ADDRESS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir/Madam:

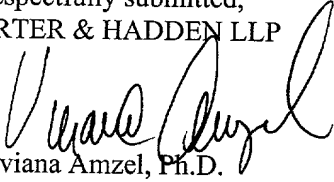
Please direct telephone calls at (609) 409-3035, all facsimiles at 609-409-6126, all e-mail messages to Vamzel@EpiGene.com, and all future correspondence for this application to the following address.

Dr. Viviana Amzel  
EpiGenesis Pharmaceuticals, Inc.  
7 Clarke Drive  
Cranbury, NJ 08512

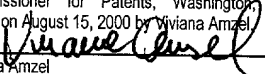
Respectfully submitted,  
ARTER & HADDEN LLP

August 15, 2000

Date

  
Viviana Amzel, Ph.D.  
Reg. No. 30,930  
Attorney for Applicant

I hereby certify that this correspondence is being  
faxed to 703-306-2804 and addressed to: Assistant  
Commissioner for Patents, Washington, D.C.  
20231 on August 15, 2000 by Viviana Amzel

  
Viviana Amzel

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427096